

Message Text

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TAGS: PLOS, EC

SUBJECT:BEHAVIOR OF ECUADORIAN DELEGATION AT AUGUST-
SEPTEMBER LAW OF THE SEA CONFERENCE

REF: QUITO 6841

1. SUMMARY: ECUADOR CONTINUED TO PLAY AN ACTIVE ROLE AT
THE SECOND NEW YORK SESSION OF THE LOS CONFERENCE,
ESPousing EXTREME GROUP OF 77 POSITIONS IN SUPPORT OF
ECUADOR'S DETERMINATION TO TURN THE ECONOMIC RESOURCE
ZONE INTO A TERRITORIAL SEA. END SUMMARY

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2. THE ECUADORIAN DELEGATION WAS NOT ESPECIALLY ACTIVE IN COMMITTEE I (SEABEDS), ALTHOUGH ITS INTERVENTIONS SUPPORTED THE EXTREME GROUP OF 77 POSITION OF COMPLETE DISCRETIONARY CONTROL BY THE AUTHORITY OVER ACCESS TO SEABED RESOURCES.

3. IN COMMITTEE II ECUADOR WORKED TO CONVERT THE ECONOMIC RESOURCE ZONE INTO A TERRITORIAL SEA. AMBASSADOR VALENCIA, ABOUT MIDWAY IN THE SESSION, INQUIRED OF THE USREP WHETHER THE U.S. WOULD CONSIDER REOPENING DISCUSSION OF ARTICLE 53 (TUNA), AS IT WAS NOT ACCEPTABLE TO THE GOE. THE U.S. REPLIED THAT THE

U.S. WAS ALSO NOT COMPLETELY HAPPY ABOUT THE TEXT, ALTHOUGH FOR ENTIRELY DIFFERENT REASONS, AND THAT NEGOTIATIONS FOR A NEW TEXT COULD TAKE PLACE IF THE COMMITTEE II CHAIRMAN ESTABLISHED A WORKING COMMITTEE TO DEAL WITH THE ISSUE OR, ALTERNATIVELY, IF A GROUP OF COUNTRIES FROM THE REGION WERE TO NEGOTIATE AN ACCOMMODATION SATISFACTORY TO THE COMMITTEE II CHAIRMAN. THE USREP NOTED THAT THE FIRST OPTION WAS THE COMMITTEE II CHAIRMAN'S, BUT THAT THE U.S. WOULD BE PREPARED TO FOLLOW THE ALTERNATIVE, PROVIDED AN ADEQUATE BASIS FOR THE NEGOTIATIONS COULD BE FOUND. VALENCIA STATED HE WOULD INTRODUCE INTO COMMITTEE II PRINCIPLES FOR A NEW ARTICLE 53, AND DESCRIBED THE PRINCIPLES TO THE USREP. THE LATTER IN TURN ASKED VALENCIA TO DETERMINE WHETHER OTHER INTERESTED STATES WOULD BE WILLING TO ACCEPT THE DRAFT PROVISIONS ON TUNA WHICH HAD BEEN WORKED OUT BETWEEN THE U.S. AND ECUADOR PRIOR TO THE NEW YORK SESSION AS A BASIS FOR A SMALL NEGOTIATING GROUP. THE U.S. INDICATED THAT IF THIS WERE THE CASE THE U.S. WOULD CONSIDER RENEWING DISCUSSIONS ON ARTICLE 53. THE ECUADORIANS DID NOT RESPOND. SUBSEQUENTLY, VALENCIA INTRODUCED INTO COMMITTEE II PRINCIPLES FOR A NEW ARTICLE 53, RECEIVING SYMPATHETIC SUPPORT FROM ABOUT 30 COUNTRIES, MOST OF WHICH HAVE NO INTEREST IN TUNA. WE CONCLUDE FROM ALL THIS THAT ECUADOR MANIPULATED THE ISSUE SO AS TO IMPACT ON THE QUESTION OF THE LEGAL STATUS OF

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THE ECONOMIC ZONE.

4. IN COMMITTEE III (MARINE SCIENTIFIC RESEARCH AND POLLUTION) ECUADOR WORKED FOR A TOTAL CONSENT REGIME FOR MARINE SCIENTIFIC RESEARCH IN THE ECONOMIC ZONE. EARLY IN THE SESSION ECUADOR OFFERED AN AMENDMENT TO ARTICLE 60 TO THAT EFFECT, SUBSEQUENTLY MERGING ITS SEPARATE PROPOSAL INTO A COMMON TEXT WHICH

REFLECTED THE MOST EXTREME ELEMENTS OF SEVERAL PROPOSALS. WHEN THE CHAIRMAN OF COMMITTEE III OFFERED A COMPROMISE ARTICLE 60, ECUADOR SPOKE IN FAVOR OF THE COMPROMISE TEXT, BUT SUGGESTED AMENDMENTS WHICH WOULD HAVE ESTABLISHED A TOTAL CONSENT REGIME. OTHERWISE IN COMMITTEE III ECUADOR, IN A LONG AND CONFUSING INTERVENTION, SUPPORTED THE U.S. POSITION ON TERRITORIAL SEA CONSTRUCTION STANDARD SETTING POWER, (ARTICLE 21), BUT THEN ADDED THAT A DOUBLE STANDARD PROVISION TO PROTECT THE LDCS WOULD HAVE TO BE INCLUDED. ECUADOR FURTHER WENT ON TO ATTACK THE SPECIAL AREAS PARAGRAPH AND INTRODUCED SEVERAL AMENDMENTS DESIGNED TO STRENGTHEN COASTAL STATE STANDARD SETTING POWER IN THE ECONOMIC ZONE.

AS TO TRANSFER OF TECHNOLOGY, ECUADOR SUGGESTED ADDING TO ARTICLE 86 LANGUAGE WHICH WOULD CALL FOR CREATION OF AN INTERNATIONAL FUND FOR THAT PURPOSE.

5. IN COMMITTEE IV (DISPUTE SETTLEMENT) AMBASSADOR VALENCIA SUPPORTED BINDING DISPUTE SETTLEMENT BUT CONFINED HIS INTERVENTIONS TO TECHNICAL POINTS.

6. THE USDEL FOUND AMBASSADOR VALENCIA AND THE OTHER MEMBERS OF THE ECUADORIAN DELEGATION WELL INFORMED ON THE SUBSTANCE OF THE CONFERENCE, UNFAILINGLY COURTEOUS AND HELPFUL ON NON-SUBSTANTIVE MATTERS. ROBINSON

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